

**REMARKS**

The foregoing amendments and these remarks are in response to the Office Action dated April 2, 2009. This amendment is timely filed.

At the time of the Office Action, claims 1-9 were pending in the application. In the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, first paragraph and claim 7 was rejected under 35 U.S.C. §112, second paragraph. Claims 1-6 and 8 were rejected under 35 U.S.C. §102(b). Claim 9 was rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

**I. Claim Rejections under 35 U.S.C. §112**

Claims 1-9 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 7 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Office Action stated that there was no antecedent basis for "the actuating lever" in claim 7. The subject matter of claim 7 has been incorporated into claim 1 herein, together with the subject matter of claims 5 and 6, which provide antecedent basis for "the actuating lever" and claim 7 is cancelled herein. Withdrawal of the rejection is thus respectfully requested.

The Office Action also stated that it is not clearly understood as to how the structural elements such as actuator, lever, rope, bearings and bolt 15 are installed in the body 3 of the hook. When operating the locking mechanism according to the present application, an external force is applied to the actuating lever 9, see for example the first four lines and six last lines of paragraph [0024] and the first four lines of paragraph [0025]. The actuating lever 9 will typically be operated by pressing one finger at each side of the actuating lever 9 and pulling it downwards in the elongated through slot 7, see for example paragraph [0021]. Although the use of a finger is not specifically mentioned, it should be clear that the actuating lever 9 (the opening mechanism) may be operated with one hand, see for example the last sentence of paragraph [0026]. The actuating lever

is preferably provided recessed relative to the surface of the body 3 of the hook. This in order to prevent uncontrolled movement of the actuating lever.

The locking bolt 15 of the hook is pre-tensioned and locked in the "closed" position (figs. 1 and 2). The pre-tensioning is caused by the spring 30, see for example the first line of paragraphs [0022], [0025] and [0026].

The locking pawl 20 and spring 18 connected thereto prevent the locking bolt 15 from uncontrolled displacement into the bore 10.

To open the hook, see for example paragraph [0024], i.e. displacing the locking bolt 15 into the bore 10 of the body 3, the actuating lever 9 is pulled (by the hand of the operator) downwards in the elongated through slot 7 from the position shown in figs. 1 and 2 to the position shown in fig. 3. When doing so, the rope connected at one end to the actuating lever 9 (fig. 2 and 3) and at the other end to an actuating pawl 25 (fig. 4), cause the locking pawl 20 to rotate about a fixing shaft 39 into the recess of the locking bolt 15. This rotation is due to the following: when the locking pawl 20 is in the position shown in fig. 4, the bore 23 to which the rope is attached is positioned above a straight line extending between a bearing element 37 (fig. 4) and fixing shaft 39 to which the locking pawl 20 is rotatably connected. When a downward force is applied to the actuating lever 9, the rope will be tensioned and a force applied to the actuating pawl 25 through the bore 23 located eccentric with respect to said straight line. This eccentric force results in a rotation of the actuating pawl 25 causing the locking pawl 20 to rotate about the fixing shaft 39 such that the protruding portion of the locking pawl 20 to be moved into the locking pawl recess 28 (not 17 as erroneously stated in the specification). A person of ordinary skill in the art will easily understand from the specification that a component of the eccentric force may overcome the biasing force from the spring 18 causing a portion of the locking pawl 20 to be rotated out of the pawl recess 28 when the component of the force from the rope exceeds the biasing force from the spring 18. Based on the above, it should be clearly understood that the rope might be able to overcome the biasing force from the spring 18.

The structural elements are preassembled prior to being inserted in the body 3 of the hook through the bore 10. When inserted, a bore plug 19 is fixed to the body 3.

From the above it will be appreciated that the hook according to the present application provides a "dual safety" hook where the locking bolt 15 is pre-tensioned to the closed position by means of the spring 30 and also locked against uncontrolled opening of the locking bolt by means of the locking pawl. The deactivation of the locking pawl (rotating the protruding portion of the locking pawl into the recess 28) and displacement of the locking bolt into the bore of the body 3, is achieved by simply pulling the actuating lever 9 downward by one hand, see for example paragraph [0026].

Applicant submits herewith a replacement sheet for Figure 4, wherein cut surfaces of the bolt and a portion of the body 3 are hatched. No new matter is added. Applicant respectfully submits that these arguments and the replacement drawing sheet overcome the rejections under 35 U.S.C. §112, first paragraph.

## **II. Rejections to the claims based on cited art**

Claims 1-6 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,679,902 to Helwig (hereafter "*Helwig*"). Claims 1 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by European Publication No. 0059228 to Pfeifer Seil Hebetechnik ("*Pfeifer*"). Claim 9 was been rejected under 35 U.S.C. §103(a) as being unpatentable over *Helwig* in view of U.S. Patent No. 3,859,693 to Breed ("*Breed*"). Claim 9 was also rejected under 35 U.S.C. §103(a) as being unpatentable over *Pfeifer* in view of *Breed*.

Claim 1 is amended herein by incorporating the subject matters of claims 5, 6 and 7. Claim 9 is cancelled herein. Applicant submits that none of the cited references suggest such a hook. In fact, Item 7 of the Office Action suggests that claim 7 is not anticipated or rendered obvious by *Helwig* or any of the other cited references, as no rejections based on art were made in respect of claim 7.

For the foregoing reasons, claim 1 is believed to relate to patentable subject matter, and to be in condition for allowance. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

**III. Conclusion**

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Date: 7/1/09

Respectfully submitted



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